

Kennedy; Kevin Villanova; Melissa Gaughan; and Michael Heslin. Defs.’ Br. at 1; Defs.’ Statement of Material Facts (“DSOMF”) at 1. For the following reasons, Defendants’ Motion is **DENIED**.

The Court notes that although Defendants filed their Motion in *Clark v. Conrail* (Civil No. 13–3935, Doc. No. 101) and in *DePietro v. Conrail* (Civil No. 14–0043, Doc. No. 80), they do not actually mention any plaintiff in those two cases anywhere in their Motion. *See* Defs.’ Br. at 1; DSOMF at 1. Defendants’ Motion, insofar as it was intended to apply against Plaintiff Len Clark, is therefore denied. On October 30, 2015, this Court denied Defendants’ Motion in *DePietro v. Conrail* (Civil No. 14–0043, Doc. No. 80) and in *Daniels v. Conrail* (Civil No. 13–4709, Doc. No. 93).

Defendants move for summary judgment in *Everingham v. Conrail* (Civil No. 13–3350, Doc. No. 171) against the following Plaintiffs: Vincent Jackson; John J. Milligan, Jr.; and John C. McMahon, Jr. This Court dismissed the *Everingham* Complaint for lack of subject matter jurisdiction as to those plaintiffs on October 30, 2015 (Civil No. 13–3350, Doc. No. 184). Defendants’ Motion as to those plaintiffs is denied as moot.

Defendants move for summary judgment in *Kennedy v. Conrail* (Civil No. 13–4322, Doc. No. 101) against Plaintiff Raymond Kennedy. Because he settled his claim on October 14, 2015 (Civil No. 13–4322, Doc. No. 103), Defendants’ Motion is denied as moot as to Plaintiff Raymond Kennedy.

Defendants move for summary judgment in *Smith v. Conrail* (Civil No. 13–7410, Doc. No. 151) against the following Plaintiffs: William H. Tappin, Jr.; Thomas B. Atkinson; John Hamilton; John Carrara, Jr.; and Kenneth Villanova, Jr. This Court dismissed the *Smith* Complaint for lack of subject matter jurisdiction as to Plaintiffs William H. Tappin, Jr., Thomas

B. Atkinson, John Hamilton, and John Carrara Jr. on October 30, 2015 (Civil No. 13–7410, Doc. No. 164) and as to Plaintiff Kenneth Villanova, Jr. on November 19, 2015 (Civil No. 13–7410, Doc. No. 170). Defendants’ Motion as to these plaintiffs is denied as moot.

Defendants move for summary judgment in *Abate v. Conrail* (Civil No. 14–7356, Doc. No. 70) against the following Plaintiffs: Jeffrey Bustard, Sr.; Andrew P. Carson; Dylan Fitzgerald; Melissa Gaughan; Brian J. Hauss; Michael Heslin; Kimberly MacMullin; Christopher McGuire; Cody Moore; and Kevin Villanova. Because Plaintiff Brian J. Hauss settled his claim on October 13, 2015 (Civil No. 14–7356, Doc. No. 77) and Plaintiff Christopher McGuire settled his claim on October 14, 2015 (Civil No. 14–7356, Doc. No. 79), Defendants’ Motion is denied as moot as to these plaintiffs. On October 30, 2015, this Court dismissed the *Abate* Complaint for lack of subject matter jurisdiction as to Plaintiffs Jeffrey Bustard, Sr., Andrew P. Carson, Dylan Fitzgerald, Melissa Gaughan, Michael Heslin, Kimberly MacMullin, Cody Moore, and Kevin Villanova (Civil No. 14–7356, Doc. No. 84). Defendants’ Motion is also denied as moot as to these plaintiffs.

Dated: 12/16/2015

s/ Robert B. Kugler

ROBERT B. KUGLER

United States District Judge